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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/397,455	09/16/1999	NED M SMITH	042390.P6764	8766

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EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/397,455	Applicant(s) SMITH, NED M	
	Examiner Courtney D. Fields	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claim 3 has been cancelled.
2. Claims 1,2, and 4-26 are pending.

Response to Arguments

3. Applicant's arguments, see Appeal Brief, filed 23 December 2005, with respect to the rejection(s) of claim(s) 1,2 and 4-26 under Grimmer (US Patent No. 5,774,552) and Van Oorschot (US Patent No. 6,215,872) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Fischer (US Patent No. 5,214,702).

Claim Objections

4. Claim 1 is objected to because of the following informalities: "a set of key..." should read as "a set of keys". Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1,2 and 4-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer (US Patent No. 5,214,702).

Referring to claims 1 and 20, Fishcer discloses a method comprising:

reading from a software module embedding one of a set of keys associated with a trusted source (See Column 12, lines 5-16, 28-36)

determining whether a key is traceable to one of a set of keys (See Column 22, lines 20-26)

determining whether the key is identified in a list of comprised keys (See Column 19, lines 36-45)

and if the key is not identified as comprised and is traceable to one of the keys in the set, assigning the key a trusted status (See Column 19, lines 10-23)

Referring to claims 2, 14, and 21, Fischer discloses the claimed limitation wherein verifying the integrity of a document comprising the key and the list of comprised keys (See Column 21, lines 31-47)

Referring to claims 4, 16, and 23, Fischer discloses the claimed limitation wherein tracing the key through a certificate chain to one of the keys in the set of keys (See Column 16, lines 22-27)

Referring to claim 5, Fischer discloses the claimed limitation wherein associating a document comprising the key and the set of keys with a software module comprising the set of keys using a hash of the software module in the document (See Column 24, lines 18-44)

Referring to claim 6, Fischer discloses the claimed limitation wherein the document is a manifest signed by the key (See Column 24, lines 18-44)

Referring to claim 7, Fischer discloses the claimed limitation wherein searching the list of compromised keys for the key (See Column 19, lines 36-48)

Referring to claims 8,17, and 24, Fischer discloses the claimed limitation wherein producing a document comprising an identification of a software module and a list of comprised keys in and digitally signing the document using a key traceable to one of a set of keys comprised by the software module (See Column 19, lines 36-62)

Referring to claims 9,18, and 25, Fischer discloses the claimed limitation wherein the identification of the software module comprises a hash value of the software module (See Column 17, lines 45-62, Column 18, lines 6-13)

Referring to claims 10,19, and 26, Fischer discloses the claimed limitation wherein the key is traceable to one of the set of keys comprised by the software module by way of a certificate chain (See Column 16, lines 22-27)

Referring to claim 11, Fischer discloses the claimed limitation wherein making the document available on a communication network by which computer systems comprising the software module may read the document (See Column 25, lines 23-35)

Referring to claim 12, Fischer discloses the claimed limitation wherein the set of keys is embedded within the software module (See Column 12, lines 5-16, 28-36)

Referring to claim 13, Fischer discloses a device comprising
a processor (See Column 9, lines 30-41)
machine-readable storage for storing instructions, determining whether a key is
traceable to one of a set of keys associated with a trusted source (See Column
22, lines 20-26)

determine whether the key is identified in a list of comprised keys (See Column
19, lines 36-45)

and if the key is not identified as comprised and is traceable to one of the keys in the set, assign the key a trusted status (See Column 19, lines 10-23)

Referring to claim 15, Fischer discloses the claimed limitation wherein a software module comprising the list of keys (See Column 19, lines 36-45)

Referring to claim 22, Fischer discloses the claimed limitation wherein a software module embedding the set of keys associated with the trusted source (See Column 12, lines 5-16, 28-36)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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March 2, 2006

E. L. Moise
EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER